

THE TOWN OF FOREST HEIGHTS, MARYLAND
MAYORAL PROCLAMATION

A MAYORAL PROCLAMATION CONTINUING AND FURTHER MODIFYING THE DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY, AS AMENDED, AND CONTINUING THE CLOSURE OF TOWN HALL EXCEPT FOR CERTAIN AUTHORIZED ACTIVITIES INCLUDING BUT NOT LIMITED TO THE OPERATION OF A MUNICIPAL POLLING PLACE; AND SUSPENDING OR RATIFYING THE SUSPENSION OF THE EFFECT OF ANY LEGAL OR PROCEDURAL DEADLINE, PERIOD OF TIME, OR OTHER TIME OF AN ACT OR EVENT DESCRIBED WITHIN SUBTITLE 3 OF TITLE 4 OF THE LG ART. OF MD. ANN. CODE IN ORDER TO IMMEDIATELY OR EXPEDITIOUSLY ENACT A CHARTER AMENDMENT RESOLUTION TO AUTHORIZE THE MAYOR AND COUNCIL BY PROCLAMATION TO MODIFY, CHANGE OR TAILOR THE PROVISIONS OF THE TOWN CHARTER TO ENSURE THE SAFE AND EFFICIENT CONDUCT OF REGISTRATION, NOMINATIONS, AND TOWN ELECTIONS DURING THE PANDEMIC AND FOR THE PREVENTION OF FRAUD IN CONNECTION THEREWITH, AND FOR A RECOUNT OF BALLOTS IN CASE OF DOUBT OR FRAUD; AND FOR PROVIDING SAFEGUARDS, STANDARDS AND PRECAUTIONARY MEASURES FOR THE USE OF THE MUNICIPAL BUILDING AS A POLLING PLACE AND ABSENTEE BALLOT DROP BOX LOCATION FOR THE UPCOMING TOWN GENERAL ELECTION TO BE HELD ON MARCH 10, 2021

WHEREAS, the Governor, as of March 5, 2020 and thereafter, has issued orders initially declaring a state of emergency and catastrophic health emergency for the epidemic known as COVID-19; and

WHEREAS, the Mayor of the Town of Forest Heights issued a proclamation declaring a local emergency on April 5, 2020 and therewith (i) closed the municipal building to the public, and (ii) declared all parks and open spaces closed to any human assembly including all courts, pavilions, fields and playgrounds, etc.; and

WHEREAS, the Town Council of Forest Heights passed Resolution 23-20 on May 4, 2020 approving an extension of the Mayor's Proclamation declaring an emergency on April 5, 2020 beyond 30 days and throughout the same duration as the Governor's State declared health emergency or until it is otherwise terminated by the Town; and

WHEREAS, the Town Council of Forest Heights passed Emergency Ordinance 01-20 on May 20, 2020 amending Article 2 of the Town Code to define essential employees and to expand the emergency powers of the Mayor to include but not limited to: (22) issuing an order to derogate, change, suspend or modify express ordinance provisions, resolutions or regulations of the Town including but not limited to ordinances, resolutions and regulations established for supervising, conducting, keeping the polls open, canvassing or postponing a municipal election or to prescribe the method or means of conducting a municipal election, and (23) provided that an emergency order of the Governor authorizes the Mayor to do so, issue an order abrogating, suspending or

modifying, any relevant and existing statute, regulation, or other time or act of an event described within any state or local statute, ordinance, rule or regulation that the town adopts or administers to allow for extensions of legal or procedural deadlines, permits, licenses, registrations, or other permissions, deadlines or mandated filings to extend or avoid lapsing of same for a period of time extending for up to 30 days after the emergency; and

WHEREAS, the Town Council of Forest Heights passed Resolution 24-20 on May 20, 2020 approving certain compensation or hazardous duty pay for designated Town employees serving during the declared emergency, in part, paid for by the CARES Act; and

WHEREAS, the Town Council of Forest Heights passed Resolution 37-20 on June 1, 2020 cancelling Forest Heights Day and National Night Out for 2020, and adopting by reference Co. Executive Order No. 10-2020 and further allowing said County Order to be enforced by the Town; and

WHEREAS, the Mayor of the Town of Forest Heights issued a proclamation on July 23, 2020 continuing the health emergency and continuing to close the Municipal Building to the public except for essential police operations as well as adopting by reference Co. Executive Order No. 15-2020 and further allowing said Co. Order to be enforced by the Town; and

WHEREAS, an Order of the Governor of the State of Maryland Number 20-09-01-01 issued September 1, 2020, specifically authorized political subdivisions to issue more restrictive orders than issued by the Governor including requiring any businesses, organizations, establishments, or facilities to close or modify their operations; and/or requiring individuals to remain indoors or to refrain from congregating; and

WHEREAS, the Mayor of the Town of Forest Heights issued a proclamation further declaring a local emergency on November 4, 2020 and ordering the Town offices and Municipal Building to continue to be closed to the public and that most of the staff would continue telework with the following exceptions: (i) police operations and use of spaces to support those operations, and (ii) allowing the conduct of organized municipal health maintenance or exercise classes approved by the Mayor or Council including a senior exercise class to be held in the Community Room of the Municipal Building every Tuesday and Thursday (5:30 P.M. to 6:30 P.M.); and

WHEREAS, Prince George's County, Maryland previously issued the following emergency declarations: Executive Order Number 6-2020 dated March 16, 2020; Executive Order Number 7-2020 dated April 13, 2020; CR-31-2020 adopted May 11, 2020; Executive Order Number 8-2020 dated May 14, 2020; Executive Order Number 10-2020 dated May 28, 2020; CR-51-2020 adopted June 9, 2020; Executive Order Number 13-2020 dated June 12, 2020; Executive Order Number 15-2020 dated June 25, 2020; CR-64-2020 adopted July 7, 2020; Executive Order Number 20-2020 dated September 3, 2020; CR-90-101 adopted September 15, 2020; CR-101-2020 adopted October 13, 2020; CR-125-2020 adopted November 17, 2020; Executive Order Number 27-2020 dated December 15, 2020 and CR-002-2021 adopted on January 12, 2021; and

WHEREAS, the Prince George's County Health Officer issued County Health Order on November 15, 2020, requiring that large gatherings indoors for all other activities are limited to

one person per 200 square feet or a maximum of 10 persons, whichever is lower, and large gatherings outdoors are limited to one person per 200 square feet or a maximum of 25 persons, whichever is lower, and this includes gatherings such as parades, festivals, parties, and family gatherings; and

WHEREAS, Prince George's County, Maryland and the Town have been and continue to be severely impacted by the COVID-19 outbreak; and

WHEREAS, as required by Art. 2, Part II of the Town Code upon issuing any emergency proclamation, the Mayor of the Town of Forest Heights does hereby find the following:

(i) That conditions of peril to the safety of persons and property continue to exist within said Town, caused by the COVID-19 epidemic; and

(ii) That the Mayor believes it is in the best interest of public safety and the protection of property that the exercise of certain rights be temporarily limited and that the conditions of this Order is designed to provide the least necessary restriction on those rights; and

(iii) That the Town Council of the Town of Forest Heights may meet in public session and pursuant to said Art. 2 of the Town Ordinance Code rescind, modify or extend this Order; and

WHEREAS, as required by the Governor's Order (No. 20-03-30-03), in an effort to control and prevent the spread of COVID-19, the Mayor and/or Council of the Town of Forest Heights has given proper notice and does hereby further find that a suspension of the provisions of Title 4, Subtitle 3, of the LG Article of the Maryland Code regarding passing a charter amendment resolution will not endanger the public health, welfare, or safety; and is necessary to amend the method, conduct, or voting system of an election in a manner that ensures an accurate vote count and certification of the election results; and

WHEREAS, Charter Amendment Resolution ("CAR") 02-21 was introduced and passed after a public hearing held on February 17, 2021 and said CAR amended Sections 3-18 and 33-38 of the Town Charter regarding emergency powers in the conduct of elections, which included a Notice to the Governor and the public given by Mayor Habeeb-Ullah Muhammad of the Town of Forest Heights, Maryland acting pursuant to the Proclamation of Governor Lawrence J. Hogan, Jr. (the "Governor") dated March 5, 2020, proclaiming a state of emergency and a catastrophic health emergency related to COVID-19, as it may be amended or renewed from time to time, and the Order of the Governor dated March 12, 2020, entitled "Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations, and Authorizing Suspension of Legal Time Requirements;" and, the Governor's Order (No. 20-03-30-03) entitled "Enabling Municipalities to Postpone Elections," dated March 30, 2020.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that in addition to the Governor's State-wide emergency, that a local (municipal) emergency continues to exist throughout said Town.

AND IT IS FURTHER PROCLAIMED AND ORDERED that pursuant to the Governor's Order (No. 20-03-30-03) and Art. 2, Part II of the Town Code, the strict adherence to the legal or procedural deadlines, due dates, or other prescribed time of an act or event described within Title 4, Subtitle 3, of the LG Article of the Maryland Code or the Town Charter shall be suspended, modified or changed in order to expeditiously approve and enact a charter amendment resolution, including but not limited to Charter Amendment Resolution 02-21, regarding the conduct of registration, nomination and Town elections and for the prevention of fraud in connection therewith.

AND IT IS FURTHER PROCLAIMED AND ORDERED that said Charter Amendment Resolution 02-21 or any other such resolution initiated by the governing body during the effective period of this Proclamation, or after proper notice to the Governor under the Governor's orders is given, pertaining to the conduct of elections may be passed and enacted with at least five (5) days of public notice of the hearing to be conducted electronically followed by immediate enactment, public posting in the Town Hall and publication in a newspaper of general circulation, the Town newsletter or website with an effective date occurring no more than five (5) days after enactment of said resolution provided no valid petition for referendum is received as permitted by State law.

AND IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local and/or State emergency the Town offices and Municipal Building will continue to be closed to the public for assemblies and some of the staff will telework with the following exceptions: (i) police operations and use of spaces to support those operations, (ii) to allow conduct of a municipal election and operation of a polling place, (iii) to allow entry by individual members of the public to conduct town business and meet with staff consistent with the social distancing and masking requirements as stated herein and (iv) to allow the conduct of organized municipal health maintenance or exercise classes approved by the Mayor or Council including a senior exercise class to be held in the Community Room of the Municipal Building every Tuesday and Thursday (5:30 P.M. to 6:30 P.M.).

AND IT IS FURTHER PROCLAIMED AND ORDERED that for any election polling place, approved indoor exercise classes or other indoor assembly or entry of individual members of the public conducting business at the Municipal Building, the following shall be observed and followed at a minimum in addition to any other applicable health regulations or guidelines:

1. Voting, election judging, canvassing, exercise, fitness or other authorized activity is limited to 1 resident per 200 square feet of space, wherever possible not to exceed a maximum of 10 persons per room;
2. Maintain physical distancing (greater than 6'), wherever possible;
3. Adherence to Section II of CR-90-2020 by staff, employees and public users;
4. Physical distancing markers for staff, employees and public users;

5. High contact surfaces (those with hourly or greater contact frequency) will be cleaned with CDC and EPA- approved disinfectant at least every 2 hours; and
6. Wear Face Coverings that fully covers a person's nose and mouth while inside an indoor location.

AND IT IS FURTHER PROCLAIMED AND ORDERED that any applicable Town Charter or Ordinance Code provisions or published policies setting forth the method, mode, means, or manner of conduct, voting or canvassing system to be used or followed regarding a municipal election occurring during the ongoing pandemic and health emergency as referenced above may be modified or changed as follows:

1. The Town Board of Elections shall keep the polls open on March 10, 2021 ("Election Day") from 11 A.M. until 8:00 P.M. for in-person voting on election day or for longer hours as determined by the Town Board, provided that the room capacity and social distancing requirements prescribed above are followed; and
2. The use of absentee balloting in lieu of in-person voting may be permitted for any reason provided that an absentee ballot application is submitted by a qualified voter under oath and delivered by U.S. Mail or deposited in the Town's designated Drop Box and receive by the Town Clerk no later than 8:00 P.M. on March 10, 2021; and
3. A qualified voter applying for an Absentee Ballot to be mailed to the applicant must do so before March 5, 2021 at 4:30 P.M.;
4. An Absentee Ballot shall be placed inside a sealed envelope, pre-marked by the Town with printed spaces to be filled in with the voter's name, signature and address, and shall include an identifying absentee voter-by-ward number; however, the ballots themselves will remain secret ballots with no identifying voter information; and
5. A sealed envelope, pre-marked by the Town, and containing a completed or properly marked Absentee Ballot shall include, printed on the envelope, the voter's printed name, signature, and address; and
6. Absentee ballots may be mailed by First Class, U.S. Mail or placed in the Town Drop Box located in the Municipal Building parking lot or entryway provided that only one ballot is received per envelope and the envelopes are delivered to the Municipal Building and received by the Town Clerk no later than 8:00 P.M. or the closing of the polls on Election Day; and
7. A Drop Box for municipal ballots to be locked and surveilled by the FHPD will be made available outside the Municipal Building commencing on Saturday, March 6, 2021 at 7:00 A.M. until 8:00 P.M. and each business day (excluding Sunday) thereafter through Election Day and the closing of the polls; and

8. Multiple Absentee Ballots received and placed in one envelope will be rejected and uncounted along with any other defective ballots; and
9. The sealed envelopes (unopened) containing absentee ballots, may be collected, and moved from the Drop Box or the custody of the Town Clerk to be staged, organized and stored in the polling place (i.e., designated area of the Community Room) under the watchful eye of an election official and verified, organized or accounted for prior to opening and canvassing after the polls close at 8 P.M.; and
10. Except for ballots cast in-person at the polls, all ballots received by the Town Clerk via U.S. Mail or deposited in the Drop Box shall remain sealed and unopened but shall be immediately accounted for and logged in by voter number pre-printed on the envelope; and
11. The 2021 General Election of the Town shall be further governed by a document prepared by the Town Clerk entitled "TOWN OF FOREST HEIGHTS ELECTION 2021 INSTRUCTIONS -- FROM THE BOARD OF ELECTIONS" dated on or about February 22, 2021, adopted and incorporated by reference herein as Exhibit A; and
12. Designated poll watchers may be permitted to witness in person the canvassing or counting of ballots by the Board members provided the room capacity and social distancing requirements prescribed above are followed; and
13. If the number of designated poll watchers and election officials exceeds room capacity and social distancing requirements, each candidate may be limited to one designee who may witness the counting in person with the remainder or overflow moved to another room to witness the canvassing by live video call, Zoom or similar conferencing system; and
14. All other applicable provisions of the Charter, Ordinance Code or published policies of the Town regarding the conduct of elections, registration, canvassing and voting shall remain in effect unless they conflict with this Proclamation, which shall prevail in any conflict of said provisions.

AND IT IS FURTHER PROCLAIMED AND ORDERED that any Local (County) Orders issued by the County Executive or the Co. Health Officer, or County Resolutions pertaining to the pandemic that remain in effect as amended from time to time, are hereby adopted by reference herein as if written word for word herein below and shall be applicable and enforced by the Forest Heights Police Department within the corporate limits of the Town.

AND IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local and State emergency the powers, functions, and duties of the emergency organization of this Town shall be those prescribed by state law, by ordinances, proclamations (State and local) and resolutions of this Town, and by the Town of Forest Heights Emergency Operations or COOP Plan, as applicable.

AND IT IS FURTHER PROCLAIMED AND ORDERED that this Order shall take effect immediately and remain in effect for a period of 30 days unless the Town Council duly rescinds, modifies or extends the duration of the local emergency.

AND IT IS FURTHER PROCLAIMED AND ORDERED that a copy of this Order shall be delivered to the Governor of the State, the County Executive, the members of the Town Council, the Town Clerk, the Chief of Police and shall be posted at the Town Hall and published in the Town newsletter, the Town internet web site and social media accounts in order to give the widest dissemination of this Proclamation and Order to the public.

By Order of the Mayor of THE TOWN FOREST HEIGHTS

Dated: 3/1/21

SIGNATURE ON FILE

By: Habeeb-Ullah Muhammad, Mayor

ATTEST/WITNESS:

SIGNATURE ON FILE

[Exhibit A - TOWN OF FOREST HEIGHTS ELECTION 2021 INSTRUCTIONS -- FROM THE BOARD OF ELECTIONS dated 2/22/21.]